

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

IN RE:

ANDREW WILLIAM MACSORLEY

Debtor

Chapter 7

Case No. 18-19964-TJC

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER

Movant

v.

ANDREW WILLIAM MACSORLEY
8014 BRIDGEPOINTE DRIVE
CHESTER, MD 21619
(Debtor)

MONIQUE D. ALMY
1001 PENNSYLVANIA AVENUE, N.W.,
10TH FL
WASHINGTON, DC 20004-2595
(Trustee)

Respondents

MOTION FOR RELIEF FROM AUTOMATIC STAY

Nationstar Mortgage LLC d/b/a Mr. Cooper (“Movant”) by undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic Stay as to the real property located at 245 Duke Of Kent Street, Chestertown, MD 21620 (“Property”), and, as grounds therefore, states as follows:

1. This proceeding seeking relief under 11 U.S.C. § 362(d) of the U.S. Bankruptcy Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. §

157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G) and (b)(2)(O). Venue is proper pursuant to 28 U.S.C. § 1409(a).

2. On July 27, 2018, the above named Debtor, Andrew William MacSorley (“Debtor”), filed in this court a Petition under Chapter 7 of the United States Bankruptcy Code. Monique D. Almy was appointed Chapter 7 Trustee.

3. On or about February 24, 2013, Andrew W. MacSorley executed and delivered to Nationstar Mortgage LLC a Note in the amount of TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$235,000.00), plus interest at the fixed rate of 4.375%, to be paid over thirty (30) years. A copy of the Note is attached as **Exhibit A** and incorporated herein.

4. To secure the repayment of the sums due under the Note, Andrew W. MacSorley executed and delivered to Nationstar Mortgage LLC a Deed of Trust dated February 24, 2013, encumbering the real property (“Property”) described as:

Land Situated in the County of Queen Annes in the State of MD

ALL THAT LOT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE SECOND ELECTION DISTRICT OF QUEEN ANNE'S COUNTY, STATE OF MARYLAND, AN MORE PARTICULARLY DESIGNATED AS LOT 56 ON A PLAT ENTITLED "PLAT OF KINGS TOWNE MANOR, 2ND DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND" MADE BY J. R. MCCONE, JR., INC., DATED MARCH 26, 1970, AND RECORDED AMONG THE LAND RECORDS OF QUEEN ANNE'S COUNTY, MARYLAND IN LIBER C.W.C. NO. 56, FOLIO 134, AND IN PLAT BOOK C.W.C. NO. 1, FOLIO 33.

Commonly known as: 245 Duke of Kent St., Chestertown, MD 21620

which has the address of 245 Duke Of Kent Street, Chestertown, MD 21620. A copy of the Deed of Trust is attached as **Exhibit B** and incorporated herein.

5. The Note and Deed of Trust were later transferred to Movant and Movant is the current holder of the Note and Deed of Trust. A copy of the Assignment is attached as **Exhibit C** and incorporated herein.

6. As of September 13, 2018, Debtor owes an unpaid principal balance of \$213,448.12 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

Unpaid Principal Balance	\$213,448.12
Unpaid, Accrued Interest	\$5,754.41
Escrow Advance	\$1,118.11
Title Cost	\$340.00
Less: Partial Payments	(\$0.00)
Total Outstanding Obligations	\$220,660.64

7. As of September 13, 2018, Debtor is contractually due for March 1, 2018, which includes the following missed payments:

Number of Missed Payments	From	To	Payment Amount	Total Due
7	March 1, 2018	September 1, 2018	\$1,407.00	\$9,849.00
Suspense:				(\$0.00)
Total Payments Past Due				\$9,849.00

8. A copy of the payment history is attached as **Exhibit D** and incorporated herein.
9. The value of the property is \$190,000.00, according to the Debtor's Schedule "A".
10. The Debtor is in default under the Note.
11. The Debtor has not and cannot offer Movant any adequate protection of its interest in the Property, and Movant avers it is not adequately protected.
12. Debtor's Chapter 7 Statement of Intention lists an intent to surrender the Property.

13. As there is little to no equity in the Property, the Property is not necessary for an effective reorganization. Therefore, relief from stay is appropriate under § 362(d)(2) of the Bankruptcy Code to permit Movant to exercise its non-bankruptcy rights and remedies with respect to the Mortgage.

14. That the Debtor's intention to surrender the Property to Movant, account delinquency and lack of equity in the Property constitute cause for relief from the automatic stay.

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper, prays that this Court issue an Order terminating or modifying the Automatic Stay under 11 U.S.C. § 362 as to the property located at 245 Duke Of Kent Street, Chestertown, MD 21620, and granting the following:

- a. Relief from the Automatic Stay allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.
- b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- d. For such other relief as the Court deems proper.

Date: September 27, 2018

Respectfully submitted,

/s/ Namrata Loomba
Kathryn Smits, Bar #13912
Namrata Loomba, Bar #20053
Orlans PC
PO Box 2548
Leesburg, VA 20177
(703)777-7101
Attorneys for Nationstar Mortgage LLC d/b/a Mr.
Cooper
ksmits@orlans.com
nloomba@orlans.com

CERTIFICATE OF SERVICE

The undersigned states that on September 27, 2018, copies of the foregoing Motion for Relief from Automatic Stay were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Monique D. Almy
1001 Pennsylvania Avenue, N.W., 10th Fl
Washington, DC 20004-2595
malmytrustee@crowell.com
Bankruptcy Trustee

Carolyn Gilden Krohn
Nager Law Group
8180 Lark Brown Road
Suite 201
Elkridge, MD 21075
carolynkrohn@gmail.com
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Motion for Relief from Automatic Stay to the following non-ECF participants:

Andrew William MacSorley
8014 Bridgepointe Drive
Chester, MD 21619
Debtor

/s/ Namrata Loomba
Kathryn Smits, Esquire
Namrata Loomba, Esquire

Payment History

Due Date	Payment Amount Due
3/1/2018	\$1,407.00
4/1/2018	\$1,407.00
5/1/2018	\$1,407.00
6/1/2018	\$1,407.00
7/1/2018	\$1,407.00
8/1/2018	\$1,407.00
9/1/2018	\$1,407.00
	Suspense: (\$0.00)
	Total: \$9,849.00